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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,477	06/30/2003	Georg Kormann	09159-US	9353
30689 7590 04/09/2007 DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265			EXAMINER BHAT, ADITYA S	
			ART UNIT	PAPER NUMBER
			2863	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

57

Office Action Summary	Application No. 10/610,477	Applicant(s) KORMANN, GEORG	
	Examiner Aditya S. Bhat	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1 and 12 are objected to because of the following informalities: A ":" is missing after the word comprising. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (USPN 6,076,030) in view of In re Japikse, 86 USPQ 70 C (CCPA 1950).

With regards to claim 1, Rowe (USPN 6,076,030) teaches a system for documenting and controlling the operation of an attached implement for a working machine, comprising

an operating parameter detection arrangement that is arranged to detect an operating parameter of the attached implement and to transmit an operating parameter signal to a memory, the memory receives the operating parameter signal and stores an operation documentation information derived from or corresponding to the operating parameter signal in memory (30; col. 3, lines 18-20) wherein the system is operable to control at least one of the implement and the working machine dependent on the stored operation and documentation information. (col. 3, lines 23-25)

Art Unit: 2863

With regards to claim 12, Rowe (USPN 6,076,030) teaches an attached implement for a self-propelled working machine is provided with a system for documenting and controlling the operation of the attached implement, the system comprising

an operating parameter detection arrangement that is arranged to detect an operating parameter of the attached implement and to transmit an operating parameter signal to a memory, the memory receives the operating parameter signal and stores an operation documentation information from or corresponding to the operating parameter signal in memory, (30;col. 3, lines 18-20) the memory being attached to the attached implement wherein the system is operable to control at least one of the implement and the working machine dependent on the stored operation documentation information. (col. 3, lines 23-25)

Rowe discloses the claimed invention except for the memory being arranged on the attached implement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to , since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70 C (CCPA 1950)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 & 8-16 are rejected under 35 U.S.C. 103(a) as being obvious over Ma et al. (USPN 2003/0014171) in view of In re Japikse, 86 USPQ 70 C (CCPA 1950)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

With regards to claim 1, Ma et al. (USPN 2003/0014171) teaches a system for documenting and controlling the operation of an attached implement for a working machine, comprising;

an operating parameter detection arrangement that is arranged to detect an operating parameter of the attached implement and to transmit an operating parameter

Art Unit: 2863

signal to a memory, the memory (page 3, paragraph 0034) receives the operating parameter signal and stores an operation documentation information derived from or corresponding to the operating parameter signal in memory wherein the system is operable to control at least one of the implement and the working machine dependent on the stored operation and documentation information. (Page 1, paragraphs 0013-0014)

Ma et al. discloses the claimed invention except for the memory being arranged on the attached implement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to , since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70 C (CCPA 1950)

With regards to claim 2 and 13, Ma et al. (USPN 2003/0014171) teaches a display for displaying the operating parameter signal from the memory. (Page 2, paragraph 0033)

With regards to claim 3 and 14, Ma et al. (USPN 2003/0014171) teaches the display interacts with an on-board computer of the working machine. (212;figure 3) (Page 2, paragraph 0030)

With regards to claim 4 and 15, Ma et al. (USPN 2003/0014171) teaches additional information about the attached implement is stored in the memory. (Page 3, paragraph 0034)

With regards to claim 8, Ma et al. (USPN 2003/0014171) teaches the memory contains a non-volatile memory. (Page 3, paragraph 0034)

With regards to claim 9, Ma et al. (USPN 2003/0014171) teaches the operating parameter detection arrangement and the memory are supplied electric current from a storage battery. (figure 1)

Although the Ma et al. (USPN 2003/0014171) reference does not explicitly state a current source to supply current to the operating parameter detection arrangement and the memory, it would be inherent for the harvesting machine as shown in figure 1 to have a current source and it would be obvious to use that to supply the equipment attached to the harvesting machine with current from that source.

With regards to claim 11, Ma et al. (USPN 2003/0014171) teaches at least part of the operating parameter detection arrangement is arranged on the working machine and the parameter detection arrangement is connected to the memory. (Page 2, paragraph 0030).

With regards to claim 12, Ma et al. (USPN 2003/0014171) teaches an attached implement for a self-propelled working machine is provided with a system for documenting and controlling the operation of the attached implement, the system comprising

an operating parameter detection arrangement that is arranged to detect an operating parameter of the attached implement and to transmit an operating parameter signal to a memory, the memory receives the operating parameter signal and stores an operation documentation information from or corresponding to the operating parameter signal in memory, the memory being attached to the attached implement wherein the system is operable to control at least one of the implement and the working machine

Art Unit: 2863

dependent on the stored operation documentation information. (Page 1, paragraph 0013 - 0014)

With regards to claim 16, Ma et al. (USPN 2003/0014171) teaches the working implement comprises a harvesting assembly. (Page 1, paragraph 0030)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al. (USPN 2003/0014171)/ In re Japikse, 86 USPQ 70 C (CCPA 1950) in view of Schick et al. (USPUB 2002/0059075).

With regards to claims 5-7 Ma et al. (USPN 2003/0014171) does not explicitly disclose operating parameter signal contains information about where, how long the attached implement was operated and how much load the attached implement encountered.

With regards to claim 5, Schick et al. (USPUB 2002/0059075) teaches the operating parameter signal contains information about how long the attached implement was operated. (Figure 6), (Page 3, paragraph 0025)

With regards to claim 6, Schick et al. (USPUB 2002/0059075) teaches the operating parameter signal contains information about where the attached implement was operated. (Page 1, paragraph 0005).

Art Unit: 2863

With regards to claim 7, Schick et al. (USPUB 2002/0059075) teaches the operating parameter signal contains information about how much load the attached implement encountered. (Page 1, paragraph 0007), (Page 6, paragraph 0047)

It would've been obvious to one skilled in the art at the time of the invention to modify the Ma et al. (USPN 2003/0014171) to include the operating parameters taught by Schick et al. (USPUB 2002/0059075) to arrive at the claimed invention in order to optimize the cargo at or near the vehicle's maximum capacity. (Page 1, paragraph 0007).

Response to Arguments

Applicant's arguments with respect to claims 1-9 and 11-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Behnke et al. (USPUB 6,682,416) teaches a apparatus and method for automatic adjustment of a transfer device on an agricultural harvesting machine and

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2863


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
April 1, 2007


John Barlow
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